

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

)
) MDL No. 1456
)

THIS DOCUMENT RELATES TO:

State of California, ex rel. Ven-A-Care of the Florida
Keys, Inc. v. Abbott Laboratories, Inc., et al.
Civil Action No. 03-11226-PBS

) Master File No. 01-12257-PBS
) Subcategory Case. No. 06-11337
) Hon. Patti B. Saris
)
)

STIPULATION OF DISMISSAL
WITH PREJUDICE AS TO CERTAIN DEY DRUGS

IT IS HEREBY STIPULATED AND AGREED by and between the State of California ("State"), acting by and through its Attorney General, Edmund G. Brown Jr., the relator Ven-A-Care of the Florida Keys, Inc. ("Relator") (collectively referred to as "Plaintiffs"), and Dey Pharma, L.P. and Dey, Inc. (the State, the Relator and Dey Pharma, L.P. and Dey, Inc. shall be collectively referred to as the "Parties") that:

1. On or about August 24, 2005, Plaintiffs filed its First Amended Complaint in Intervention for Money Damages and Civil Penalties for Violations of the California False Claims Act against Dey, Inc. and Dey Pharma, L.P. (formerly known as Dey, L.P.) in the United States District Court for the District of Massachusetts in the case entitled *In re Pharmaceutical Average Wholesale Price Litigation: State of California, ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.* (Master File No. 01-12257-PBS, Subcategory Case. No. 06-11337; Original Central District of California No. 03-CV-2238) (the "Litigation").

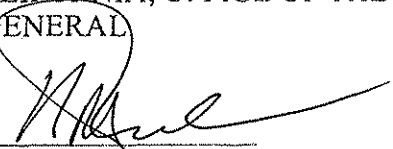
2. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to entry of an Order dismissing with prejudice all claims asserted or that could have been asserted against Dey, Inc. and Dey Pharma, L.P. in the Litigation, with respect to the pharmaceutical products listed in Exhibit A attached hereto.

The undersigned parties hereto respectfully request the Court to enter an Order in the form of attached hereto as Exhibit B.

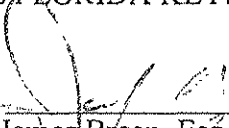
DATED: December 23, 2010

Respectfully submitted,

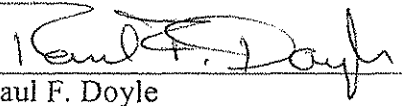
STATE OF CALIFORNIA, OFFICE OF THE
ATTORNEY GENERAL

By: 
Nicholas N. Paul
Supervising Deputy Attorney General
Bureau of Medi-Cal Fraud & Elder Abuse
1455 Frazee Road, Suite 315
San Diego, CA 92108

QUI TAM PLAINTIFF VEN-A-CARE OF
THE FLORIDA KEYS, INC.

By: 
James Breen, Esq.
Breen Law Firm
Site, 260, 5755 North Point Parkway
Alpharetta, GA 30020

DEY, INC. AND DEY PHARMA, INC.

By: 
Paul F. Doyle
Kelley Drye & Warren LLP
101 Park Avenue
New York, New York 10178